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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: H. OGAWA et al.

Serial No.: 09/812,582

Filed: March 21, 2001

For: DISK DRIVE APPARATUS AND METHOD OF
MOUNTING SAME

Art Unit: 2651

Examiner: K. Wong

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PETITION TO THE COMMISSIONER UNDER 37 CFR 1.181(a)(1)
FOR COMPLETE OFFICE ACTION AND RESTARTING
OF PERIOD FOR RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

December 3, 2002

Sir:

The Office Action of November 5, 2002, in connection with the above-identified application is acknowledged. However, it is submitted that the Office Action of November 5, 2002, is incomplete for the reasons discussed below.

It is respectfully requested that a decision on this petition be issued before the due date of February 5, 2003, for filing a response set in the Office Action of November 5, 2002.

STATEMENT OF THE FACTS

On page 9 of the Office Action of November 5, 2002, the Examiner has rejected claim 13 under 35 USC 103(a) as being unpatentable over "Best et al (H1221) in view of Morehouse et al (5442266)".

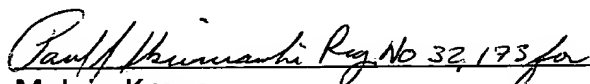
Although "Morehouse et al (5442266)" was newly cited in the Office Action of November 5, 2002, the Examiner did not furnish a copy of "Morehouse et al (5442266)" with the Office Action of November 5, 2002, and did not list "Morehouse et al (5442266)" on the form PTO-892 attached to the Office Action of November 5, 2002, as required by MPEP 707.05(a), such that the Office Action of November 5, 2002, is incomplete.

RELIEF REQUESTED

Since the Office Action of November 5, 2002, is incomplete for the reasons discussed above, pursuant to 37 CFR 1.181(a)(1), MPEP 707.05(g), and MPEP 710.06, it is respectfully petitioned that a complete Office Action furnishing a copy of "Morehouse et al (5442266)" and providing a form PTO-892 listing "Morehouse et al (5442266)" be issued, and that the period for response be restarted.

Respectfully submitted,

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